

CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE

PROPOSED CHANGES IN THE REGULATIONS

CALIFORNIA CODE OF REGULATIONS TITLE 3. FOOD AND AGRICULTURE DIVISION 4. PLANT INDUSTRY, CHAPTER 1. CHEMISTRY SUBCHAPTER 1. FERTILIZING MATERIALS ARTICLE 4. REGISTRATION

FINAL STATEMENT OF REASONS

SECTIONS AFFECTED

California Code of Regulations (CCR), Title 3, Division 4, Subchapter 1, Section 2320.1.

LOCAL MANDATE DETERMINATION

The proposed regulations do not impose any mandate on local agencies or school districts.

SPECIFIC PURPOSE AND NECESSITY OF EACH SECTION, PER GOVERNMENT CODE 11346:

The following paragraphs provide the specific purpose, rationale, and summaries of these proposed changes to the CCR's related to fertilizing materials.

ARTICLE 4. REGISTRATION

Section 2320.1(a) is being amended to include the organic input material registration renewal fee per product label. This language was previously in Section 2320.1(b).

Section 2320.1(b) is being amended to revise the current registration cycle. The current registration cycle requires all product labels to be renewed in January of an even-numbered year, and shall be valid until December 31 of the following odd-numbered year. The revised proposed registration cycle evenly distributes four registration cycles throughout a 2-year period. The registration periods will begin on January 1 of even numbered year, July 1 of even numbered years, January 1 of odd numbered year, and July 1 of odd numbered years. This is necessary to ensure that all fertilizing material classifications that require registration (OIMs, specialty fertilizers, packaged agricultural minerals, auxiliary soil and plant substances, and packaged soil amendments) share the same time frame for resubmitting registration applications. This amendment will also reduce the processing time of registrations, and ensure fertilizing materials being sold in California are approved by the Department.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The proposed regulatory changes are based upon feedback from the Fertilizer Inspection Advisory Board (FIAB) and Department staff. The Department relied upon the draft FIAB meeting minutes dated October 12, 2016, and the Registration Working Group notes from the August 2, 2016 meeting. These documents are included as part of the rulemaking record; no other documentation is included for the proposed amendments to the regulations.

REASONABLE ALTERNATIVES CONSIDERED

CDFA has determined that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the adopted regulations, or would be more cost-effective to affected private persons and equally effective in implementing the statutory provisions and policies being addressed in this action.

REASONABLE ALTERNATIVES TO THE REGULATIONS AND THE DEPARTMENT'S REASONS FOR REJECTING THOSE ALTERNATIVES

Two alternatives to the proposed regulation have been identified. The first alternative is maintain the current registration cycle. This is not beneficial to the industry as there are currently delays in approving labels, and is not beneficial to staff because there is one large push of renewals in January of even numbered years.

The second alternative is to adopt a “rolling” registration cycle, where a firm’s registration would be valid for a two-year period from the approval date. This would be confusing to industry and staff, as there is no way to control workflow, or send out renewal letters on a daily basis. Additionally, the current Department’s database cannot accommodate a rolling fee schedule. A new or greatly modified database would be required at a substantial cost that would have to be passed on to the registrants.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Dr. Dale Woods.

SUMMARY AND RESPONSE TO WRITTEN COMMENTS RECEIVED DURING THE 45-DAY PUBLIC COMMENT PERIOD ENDING MAY 22, 2017

No comments received during the 45-day public comment period ending May 22, 2017.